

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH TAYLOR, SR. and)	
BETTY TAYLOR,)	
Plaintiffs,)	
)	
v.)	Civil Action No. 06-0382
)	
C&A LEASING, INC., et al.,)	
Defendants)	
)	

MEMORANDUM AND ORDER

Gary L. Lancaster,
District Judge.

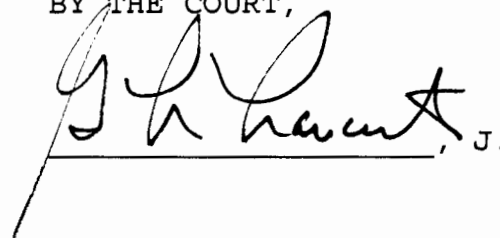
May 25, 2006

This is a personal injury action arising out of a motor vehicle accident. Defendants have moved to dismiss plaintiffs' claim for punitive damages [doc. no. 7]. Defendants contend that the factual allegations of the complaint, even when viewed in the light most favorable to plaintiffs, fail to satisfy the standards under Pennsylvania law for an award of punitive damages.

A claim may not be dismissed under Rule 12(b)(6) unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which could entitle him to relief. Conley v. Gibson, 355 U.S. 41, 45-46 (1957). Because it cannot be said that the plaintiff can prove no set of facts that would prompt an award of punitive damages under Pennsylvania law, defendants' motion to dismiss the punitive damages demand is premature and must be denied.

THEREFORE, this 25th day of May, 2006, it is HEREBY ORDERED
THAT defendants' motion to dismiss [doc. no. 7] is DENIED.

BY THE COURT,

 J.